

House File 2401

PAG LIN

HOUSE FILE 2401

1 3 AN ACT

1 4 RELATING TO THE COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE

1 5 TANK FUND AND PROVIDING AN EFFECTIVE DATE.

1 6

1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8

1 9 Section 1. Section 455G.2, Code 2003, is amended by adding

1 10 the following new subsections:

1 11 NEW SUBSECTION. 0A. "Aboveground petroleum storage tank"

1 12 means the same as defined in section 101.21.

1 13 NEW SUBSECTION. 0B. "Aboveground petroleum storage tank

1 14 site" means the same as "tank site" as defined in section

1 15 101.21, subsection 8.

1 16 Sec. 2. Section 455G.3, subsection 3, Code Supplement

1 17 2003, is amended by adding the following new paragraph:

1 18 NEW PARAGRAPH. e. To establish an aboveground petroleum

1 19 storage tank fund as provided in section 455G.23.

1 20 Sec. 3. Section 455G.9, subsection 1, Code Supplement

1 21 2003, is amended by adding the following new paragraph:

1 22 NEW PARAGRAPH. 1. Costs for the permanent closure of an

1 23 underground storage tank system that was in place on the date

1 24 an eligible claim was submitted under paragraph "a".

1 25 Reimbursement is limited to costs approved by the board prior

1 26 to the closure activities and the closure activities must be

1 27 completed not later than December 31, 2005.

1 28 Sec. 4. NEW SECTION. 455G.23 ABOVEGROUND PETROLEUM

1 29 STORAGE TANK FUND.

1 30 1. An aboveground petroleum storage tank fund is created

1 31 as a separate fund in the state treasury under the control of

1 32 the board. The board shall administer the aboveground

1 33 petroleum storage tank fund. Notwithstanding section 8.33,

1 34 moneys remaining in the aboveground petroleum storage tank

2 1 fund at the end of each fiscal year shall not revert to the

2 2 general fund but shall remain in the aboveground petroleum

2 3 storage tank fund. The aboveground petroleum storage tank

2 4 fund shall include, notwithstanding section 12C.7, interest

2 5 earned by the aboveground petroleum storage tank fund or other

2 6 income specifically allocated to the aboveground petroleum

2 7 storage tank fund.

2 8 2. The board may reimburse the owner of an aboveground

2 9 petroleum storage tank site up to twenty-five thousand dollars

2 10 per site, but not more than a total of one hundred thousand

2 11 dollars per owner, for the upgrade or permanent closure of the

2 12 aboveground petroleum storage tank site provided all of the

2 13 following criteria are met:

2 14 a. By January 1, 2004, the aboveground petroleum storage

2 15 tank site was registered with the state fire marshal pursuant

2 16 to section 101.22.

2 17 b. The aboveground petroleum storage tank contains

2 18 petroleum as defined in section 455B.471.

2 19 c. Not later than February 18, 2005, the owner shall

2 20 submit an application for reimbursement, on a form provided by

2 21 the board.

2 22 d. Upgrade expenses must be incurred after January 1,

2 23 2004, and not later than February 18, 2005. Upgrade

2 24 activities are limited to the installation or improvement of

2 25 equipment or systems required to comply with 40 C.F.R. } 112,

2 26 specifically:

2 27 (1) Secondary containment.

2 28 (2) Corrosion protection.

2 29 (3) Loss prevention.

2 30 (4) Security.

2 31 (5) Drainage.

2 32 (6) Removal of noncompliant tanks.

2 33 e. Permanent closure activities, including tank system

2 34 removal, decommission, and disposal, must occur after January

2 35 1, 2004, and not later than February 18, 2005, unless the

3 1 owner is a party to an agreement entered into pursuant to

3 2 subsection 3 and the tanks meet one of the following criteria:

3 3 (1) All tanks are empty by February 18, 2005.

3 4 (2) All tanks containing petroleum on or after February

3 5 18, 2005, meet the requirements of 40 C.F.R. } 112 et seq.

3 6 and any applicable provisions of chapter 101 and the

3 6 administrative rules adopted pursuant to chapter 101.
3 7 3. The board, or a contractor approved under subsection 6,
3 8 may enter into contracts with qualified businesses to provide
3 9 permanent closure services at eligible aboveground petroleum
3 10 storage tank sites. The board or a contractor may limit
3 11 reimbursement to those activities approved under the terms of
3 12 the contracts. The board or a contractor may allow permanent
3 13 closure activities to occur and be reimbursed after February
3 14 18, 2005, at those tank sites where the owner timely applied
3 15 for reimbursement and agreed to allow the board or a
3 16 contractor to complete the permanent closure at a time
3 17 determined to be convenient to the board. All activities
3 18 conducted under this subsection must be completed by December
3 19 31, 2006.
3 20 4. The board may enter into an agreement authorized under
3 21 chapter 28E with the state fire marshal for the development
3 22 and maintenance of a database to track registration, technical
3 23 information, and other information determined necessary to
3 24 evaluate the operation and safety of aboveground petroleum
3 25 storage tank sites in Iowa.
3 26 5. The board may limit reimbursement to those activities
3 27 that receive prior budget approval from the board.
3 28 6. The board may enter into a contract with a qualified
3 29 business to provide for administration of this section.
3 30 7. This section is repealed December 31, 2006.
3 31 Sec. 5. Sections 1, 2, and 3 of this Act are repealed
3 32 December 31, 2006.
3 33 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
3 34 immediate importance, takes effect upon enactment.
3 35

4 1
4 2
4 3
4 4
4 5
4 6
4 7
4 8
4 9
4 10
4 11
4 12
4 13
4 14
4 15
4 16
4 17
4 18
4 19
4 20
4 21
4 22
4 23

CHRISTOPHER C. RANTS
Speaker of the House

4 8
4 9
4 10
4 11
4 12
4 13
4 14
4 15
4 16
4 17
4 18
4 19
4 20
4 21
4 22
4 23

JEFFREY M. LAMBERTI
President of the Senate

4 11 I hereby certify that this bill originated in the House and
4 12 is known as House File 2401, Eightieth General Assembly.

4 16
4 17
4 18
4 19
4 20
4 21
4 22
4 23

MARGARET THOMSON
Chief Clerk of the House

4 18 Approved _____, 2004

4 21
4 22
4 23

THOMAS J. VILSACK
Governor